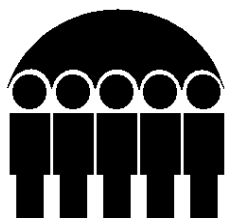


March 28, 2008

Employees' Manual
Title 17
Chapter F(2)

CHILD WELFARE

**PERMANENT PLACEMENT
PRACTICE GUIDANCE**



Iowa
Department
of
Human Services

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Introduction

The overall goal for adoption services is to secure permanent adoptive families for children who cannot live with their birth families due to the termination of their birth parent's rights.

The objectives of adoption are as follows:

- ◆ To develop and implement a permanent plan of adoption for children whose parents' rights are terminated and whose guardianship is with the Department.
- ◆ To assess prospective adoptive families who wish to adopt a child with special needs, approving those who meet criteria and preparing them for adoption.
- ◆ To prepare and assist children in their transition from foster care to an adoptive family, to prevent disruption of adoptive placements.
- ◆ To provide postadoption services, as needed, to prevent dissolutions of the finalized adoption.

The adoption program provides services to:

- ◆ Birth families whose child is released for adoption voluntarily or involuntarily.
- ◆ Families wishing to adopt and parent a child with special needs.
- ◆ Children whose parental rights are terminated and are under the guardianship of the Department, making them legally available for adoption.

A child is eligible for adoption services without regard to income when:

- ◆ Parental rights have been terminated, or
- ◆ Both parents are deceased and the Department is assigned guardianship of the child.

Scope of Chapter

This chapter provides:

- ◆ Background information to support:
 - The policies in Chapter 17-F, which summarizes the laws, rules, and Department-required practice for the permanent placement phase of a child welfare case.
 - The procedures in Chapter 17-F(1), which describes state procedures for carrying out the permanent placement process for child welfare services.

- ♦ The clinical or programmatic rationale for the actions that are required during the case management phase of child welfare services.

Unless otherwise identified, links to “Policy” in this chapter refer to Chapter 17-F. Links to “Procedure” in this chapter refer to Chapter 17-F(1).

Adoption

Link to [Policy](#)

Link to [Procedure](#)

Transition From Foster Care to Adoption

During the transition from foster care to adoption, the focus of all parties should be on the child and making the transition to adoption a positive experience. Make placement decisions with the intent of providing the adoptive child with a home and family that can best meet the child’s needs. Include an age-appropriate child in the planning and tasks.

Planning considerations for the adoption placement should be a component of the concurrent planning process.

Policy indicates that the child’s case should be officially transferred to an adoption specialist no later than 45 days after the termination of parental rights. However, evidence-based practice demonstrates that the adoption worker needs to be involved earlier in the life of the case.

Often the child’s sense of identity is linked to the birth family history. The social work case manager may represent the only consistent link between the child’s past and future. Early involvement of the adoption worker provides the opportunity to establish a relationship that will be critical in supporting the child during this time of change.

Both Department staff and private contract staff who have the most experience in working with the child need to share their knowledge with the adoption worker and be included in any decision making.

The foster care and adoption workers must develop a partnership to:

- ◆ Complete tasks mandated by law and policy.
- ◆ Support the understanding and needs of the birth parent(s).
- ◆ Prepare the child for the adoption process.
- ◆ Prepare the prospective adoptive parents regarding the strengths and unique needs of the child.
- ◆ Ensure a smooth and congruent transfer of case responsibilities.

Child's Special Needs

Most children have some minor health problems, learning difficulties, or emotional and behavioral adjustments to make. Questions to consider in determining whether these conditions qualify the child as having special needs include:

- ◆ Has the child needed professional services beyond usual medical care?
- ◆ Can future need for professional or special services reasonably be projected?
- ◆ Do the conditions of the child place extra demands upon, or require special skills of, the adoptive parents, beyond normal child-rearing abilities?

Examples of conditions which do not qualify a child as special needs due to a disability, unless a qualified professional documents that the condition limits the child's activities severely, include: minor allergies, heart murmurs, upper respiratory infections, and ear infections.

When a child has one parent who is Caucasian, and the other is a member of racial or ethnic group other than Caucasian, the child is eligible as a child with special needs as defined above.

Accidents or disabling conditions that occur after the adoption is finalized do not make the child eligible for subsidy at a later date.

Determine with your supervisor whether the child is eligible for subsidy.
Document the eligibility determination in the child's subsidy record.

Use the adoption exchanges and photo listing in an effort to secure an adoptive family without the provision of subsidy, unless you have determined that it is in the child's best interest to be adopted by the foster parents.

If the child's eligibility is based on physical, mental, emotional, or behavioral disabilities, or high risk of any of these, written reports or statements from a qualified professional shall document the condition.

Material previously obtained from physicians, mental health, or mental retardation professionals for other purposes, such as the child's study, is sufficient, unless there has been a substantial change in the child's condition since the material was prepared.

Finding an Adoptive Home

Adoption Exchanges

The Iowa Adoption Exchange System (IAES) is a computerized system established to facilitate the adoptive placement of children by matching children legally available for placement and approved families desiring to adopt a child with special needs or a sibling group and referring all families to the child's adoption worker. The Department of Human Services operates IAES through the FACS system.

Persons who approach the Department about being placed on the adoption registry must have a completed home study that documents their interest in adopting a special needs child.

Iowa KidsNet maintains a photo listing of waiting children on its website:
<http://www.iowakidsnet.com>

AdoptUsKids (www.adoptuskids.org) is an Internet computerized photo listing of waiting children from across the country, including Iowa. To protect each child's privacy, last names, exact birth dates, and addresses are not listed.

Adoptive Family Approval Process

The status of the prospective applicant's interest and eligibility for adoption through the Department will be assessed and the prospective applicant's involvement with other adoptive agencies determined. Persons interested in both fostering and adoption shall have both areas assessed by the applicable Department or private agency contract staff.

Individuals or couples that contact the Department about adopting a child with special needs should be referred Four Oaks/Iowa KidsNet, the agencies that hold the contract for the recruitment and retention of resource families, for orientation within five working days of the initial inquiry.

When a families has completed and signed the application to become a an approved adoption home, Iowa KidsNet will initiate the record check process to determine whether anyone in the home has a founded child abuse report or criminal conviction or has been placed on the sex offender registry.

The contractor shall conduct record checks for anyone who is 14 years of age or older living in the home of the prospective adoptive family, including the person's maiden names and previous married names. The family shall complete the following forms to check Iowa records:

- ◆ Form [470-0643](#), *Request for Child Abuse Information*.
- ◆ Form [595-1396](#), *DHS Criminal History Record Check*.

The prospective adoptive family is responsible for any fees associated with Division of Criminal Investigation record checks unless the family is being studied to adopt a child with special needs. In that case, the recruitment and retention contractor will reimburse the family for the cost of record checks.

The contractor shall also conduct fingerprint-based checks of the National Crime Information Database (NCID) and shall cover the cost of fingerprinting. Families will be given one fingerprint card for each person in the family that needs a record check. The family should NOT fold the cards. If the cards are folded, the FBI cannot be processed them.

Families can contact their local sheriff's office to make an appointment or visit during the designated days and times for fingerprinting. Families shall also need to bring any additional information that is required by the sheriff's office (e.g., driver's license, photo identification, social security card, school identification).

The sheriff's office will complete the rest of the information on the fingerprint card for the family, including name, social security number, residence, date, date of birth, gender, race, employer address, place of birth, height, weight, eye color, hair color, and citizenship.

Families must sign their cards at the time of fingerprinting. If payment is required, families should request a receipt that has the total fee for all persons. Families will be reimbursed for this expense.

The contractor will mail the fingerprint cards must be mailed to the Iowa Division of Criminal Investigation, Bureau of Identification. Fingerprint results from the FBI take approximately four to six weeks. The contractor will document completion of the record checks in the home study.

MEPA-IEP

The effect of race, color, and national origin on adaption decisions is governed by the Howard Metzenbaum Multiethnic Placement Act of 1994 (MEPA), codified at 42 U.S.C.A.51151, as amended by the Interethnic Adoption Provision of 1996 (IEP).

MEPA prohibits denial or delay of placement for foster care or adoption by any agency that receives federal funds because of the child's or foster or adoptive parent's race, color, or national origin. The law was intended to:

- ◆ Decrease the time children wait to be adopted.
- ◆ Prevent discrimination in the placement of children based on race, color, or national origin.
- ◆ Prevent discrimination based on race, color, or national origin when selecting foster and adoptive placements.
- ◆ Facilitate the development of a diverse pool of foster and adoptive families.

MEPA was enacted to encourage transracial placements of children when appropriate same-race placements are not available. The Act specifically permits the consideration of a child's cultural ethnic or racial background and the ability of a potential foster parent to meet the child's related needs as one of many factors to consider in determining the best interest of a child.

MEPA also requires states to provide for diligent recruitment of potential foster and adoptive families who reflect the ethnic and racial diversity of children for whom homes are needed.

In August of 1996, Congress amended MEPA through the IEP in order to strengthen its nondiscriminatory provisions and to provide stiff penalties for violation of the Act. The antidiscrimination provision of MEPA now state that any public or private agency entity that receives federal assistance cannot:

- ◆ Deny to any person the opportunity to become an adoptive parent on the basis of the race, color, or national origin of the adoptive or foster parents or the race, color, or national origin of the child involved in the foster or adoptive placement; and
- ◆ Delay or deny the placement of a child for adoption or foster care based on the race, color, or national origin of the adoptive or foster parent or the race, color, or national origin of the child involved in the placement.

Noncompliance with this act is a violation of Title VI of the Civil Rights Act of 1964, 42 U.S.C.A. 2000 et seq. Any person who believes that she or he has been a victim of a violation of the act has a right to bring an action for relief in the appropriate U.S. District Court. Any entity found in violation of the law will lose considerable federal matching funds.

MEPA does not affect the Indian Child Welfare Act of 1978. 25 U.S.C. 1901 et seq. (42 U.S.C.A. 5115a(f)).

To achieve MEPA-IEP compliance, workers should:

- 1. Make individual decisions based on sound child welfare practice and the best interest of the child.**

MEPA-IEP makes it clear that concerns about race, color, or national origin are not to be the predominant or sole basis of child placement decisions. Indeed, they are not to be taken into account in any foster care or adoptive placement decision except in those rare circumstances where the worker can document a specific, distinctive need of a particular child arising from the child's race or ethnicity.

This does not require workers to be "colorblind," but to understand the difference between acknowledging a child's race, color, or national origin as an element of that child's whole being and using general assumptions about those factors as a shortcut for preferring certain placement options over others.

Workers should understand that in every case, the available prospective parents should be considered regardless of their race or ethnicity, as eligible to adopt waiting children. Same-race placements are not required, nor are they prohibited. Similarly, transracial placements are not required, nor are they prohibited.

What is required are decisions based on careful individualized assessments of the characteristics and needs of each child and non-stereotypical assessments of potential parents of the child. Social science research findings substantiate the claim that children are not harmed by transracial adoption, and indeed, are significantly better off than being left in foster care or returned to dysfunctional biological parents.

The focus of MEPA-IEP is the best interest of children. Keep in mind that the primary concern of child welfare services, including adoption, is the well-being of children. MEPA-IEP emphasizes the use of professional judgment in making individualized decisions in the best interest of each child. Workers who base their decisions on sound child welfare practices and the needs of the individual child will be unlikely to run afoul of the law.

2. If a child has specific or distinctive needs related to race or ethnicity that require consideration, address them as soon as that child comes into the child protective system.

In the great majority of cases, it can be generally assumed that a child has no special needs based on race, color, or national origin that should be taken into account in selecting a foster or adoptive parent.

However, where such needs exist, they should be identified and assessed early in the case. These needs should then be considered in providing services and in making every placement decision.

Too often, these needs are not addressed until a decision has to be made about adoption or another permanent plan. Waiting this long is problematic for two reasons. First, it means the child's needs are not met for a significant period. Second, it creates difficulties in balancing interests at the time of adoption or other permanent placement if the child's current caregivers cannot meet the child's identified needs.

3. Consider permanence from the first contact with the child.

Early attention to permanence is especially important. All too often emergency placements or other temporary arrangements become long term. Even when race or ethnicity is not an issue, these placements can create difficulties if the foster parents are not willing to make a long-term commitment to the child or are not appropriate adoptive parents.

Appropriate planning and action can ensure that children do not remain in foster care drift and can reduce the controversies that arise when children are moved from one placement to another.

Early identification of relatives (including absent parents), comprehensive reunification efforts, attention to all of the child's needs in making placement decisions, and other good child welfare practices will reduce the time a child waits for permanence and the chance that problems will arise in making an appropriate permanent placement for children who cannot return home.

4. Document the reasons for decisions.

MEPA-IEP emphasized individualized decision-making based on the needs of the child. Document the basis for your decisions, including all the factors you have considered in reaching the decision.

Documentation will:

- ◆ Help you clarify for yourself the factors taken into consideration and the reasons for the decision.
- ◆ Provide a record that a supervisor or another worker can refer to in understanding the case.
- ◆ Provide evidence of appropriate action in the event you are charged with violation of the law.

5. Be honest with prospective adoptive and foster parents and treat them with respect.

Good communication and respectful treatment will decrease misunderstandings and improve recruitment and retention of prospective parents. Open discussion can also workers learn about potential problems and ways to address them.

References:

- ◆ *A Guide to the Multiethnic Placement Act of 1994 as Amended by the Interethnic Adoption Provisions of 1996*, Joan Heifetz Hollinger and the ABA Center on Children and the Law, National Resource Center on Legal and Court Issues, 1998.
- ◆ *The Multiethnic Placement Act of 1994 & Amendment of 1996, Cultural Responsiveness in Assessment and Decision Making*, Child Welfare Institute, Atlanta, GA.

Adoption Services

Adoption services may be provided directly by Department staff or by the following statewide contractors:

- ◆ Recruitment and retention of resource families
- ◆ Family safety, risk, and permanency services

Information regarding protocols for coordinating services with contractors is located on the Department's share: <\\Hoovr3s1\OFS.771\OFSINFO\Service Help Desk\FC Recruitment & Retention>

Direct case specific questions to the FOSU Help Desk.

Adoption Subsidy

Link to [Policy](#)

Link to [Procedure](#)

The purpose of subsidized adoption is to ensure a permanent family for a child who, because of special needs, might otherwise remain in an institution or in foster care until adulthood. A permanent home, continuity of care, and nurturing through adoption are more beneficial for a child than long-term foster care.

While attempts should be made to place a child for adoption without a subsidy, in all cases the child's best interest is paramount in determining an adoptive placement. When a child is in a foster home, and remaining with that family is in the child's best interest, a subsidy should be negotiated if it would enable the family to adopt the child and attempts to place the child with another family would not be in the child's best interest.

Subsidy Application

A prospective adoptive family residing in Iowa who has been studied and approved for adoptive placement or a family residing outside of Iowa who has been studied and approved by a governmental or licensed child-placing agency in that state may apply for a subsidy for an eligible Iowa child.

Thoroughly explain the subsidy program subsidy to families who wish to adopt an eligible child. Any prospective adoptive family of an eligible special needs child may apply for subsidy and have the application acted upon. If the family indicates no need for subsidy, the family need not apply.

The booklet, "Navigating Iowa's Adoption Subsidy Program," may be provided to families that are considering adopting a child with special needs. The booklet may be requested from the Iowa Foster and Adoptive Parent's Association (IFAPA) at 800-277-8145 or at [mailto: ifapa@ifapa.org](mailto:ifapa@ifapa.org).

Direct case-specific question to the FOSU Help Desk

Child Living With FIP Group

A child shall not concurrently receive subsidized adoption maintenance payments and FIP. A child who receives subsidized adoption maintenance payments shall be excluded from the FIP eligible group, unless the child's exclusion would reduce benefits to the family. Neither shall the child receive a grant from a public assistance program in another state.

The income of a child who is ineligible due to receipt of subsidized adoption maintenance payments is also exempt both as income and as a resource when calculating FIP eligibility for the family.

Because the subsidized adoption maintenance payment for a child is greater than one person's share of the FIP grant, a child receiving subsidized adoption payments usually is not included in the FIP eligible group.

However, if this is the only eligible child in the home, the child may be included in the FIP eligible group to obtain eligibility for the parent. The subsidized adoption payments received on behalf of the child included in the eligible group are considered countable unearned income.

Instruct a family who receives FIP and adopts a special needs child to notify the worker who has the FIP case of the addition of the child and the monthly subsidy payment. The family is responsible for reporting the subsidy to the FIP worker.



STATE OF IOWA

CHESTER J. CULVER, GOVERNOR
PATTY JUDGE, LT. GOVERNOR

DEPARTMENT OF HUMAN SERVICES
KEVIN W. CONCANNON, DIRECTOR

March 28, 2008

GENERAL LETTER NO. 17-F(2)-1

ISSUED BY: Bureau of Child Welfare,
Division of Child and Family Services

SUBJECT: Employees' Manual, Title 17, Chapter F(2), **PERMANENT PLACEMENT PRACTICE GUIDANCE**, Title page, new; Contents (page 1), new; and pages 1 through 11, new.

Summary

Employees' Manual Chapter 13-C, **ADOPTION SERVICES**, and Chapter 13-C(1), **ADOPTION SUBSIDY**, have been redesigned into policy, procedure, and practice guidance subchapters reflecting the phase in the life of a child welfare case pertinent to permanent placement. The new permanent placement chapters are:

- ◆ 17-F, **PERMANENT PLACEMENT POLICY**, which contains succinct, "high level" statements that summarize the essence of the associated laws, rules, and Department-required practice.
- ◆ 17-F(1), **PERMANENT PLACEMENT PROCEDURES**, which tells what the Department service worker should do in the logical order of when and how to do the work.
- ◆ 17-F(2), **PERMANENT PLACEMENT PRACTICE GUIDANCE**, which provides background information to support the procedures or policy and the clinical or programmatic rationale for the actions that are required.
- ◆ 17-F(3), **ADDITIONAL PERMANENT PLACEMENT INFORMATION**, which contains information that is lengthy or used only in specific situations. These topics may be accessed through hypertext links in the policy, procedure, or guidance chapters.

Hypertext links in all of the chapters connect to the other permanent placement chapters, additional information on a topic, or a specific form or tool.

Permanent Placement Practice Guidance

Practice guidance is provided for permanent placement procedures. Resources are offered to assist the worker in transition processes, determining a child's special needs, using the adoption exchanges, contractor processes in approving an adoptive family, considerations of the Multi-Ethnic Placement Act and the Interethnic Adoption Provision, subsidy applications, and the relationship between adoption subsidy and the Family Investment Program.

Effective Date

Upon receipt.

Material Superseded

None.

Additional Information

Refer questions about this general letter to your area service administrator.